

DECISION RECORD
for
MINSINGER BENCH REFORESTATION

Environmental Assessment No. OR-080-02-06

**United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District Office
Cascades Resource Area
Clackamas County, Oregon**

BACKGROUND

The Sandy River basin is known for its scenic beauty, deeply incised gorges and older forests, and the river provides critical habitat and passage for anadromous fish. The Salem District Bureau of Land Management (BLM) has worked with many partners over the years including the Forest Service, State of Oregon, counties, METRO, City of Portland, The Nature Conservancy, City of Sandy, Sandy River Watershed Council and interested organizations on a cooperative effort within the Sandy River drainage and its tributaries to acquire key parcels of non-federal

land from willing sellers for the conservation and restoration of natural resources. These acquisitions are part of the BLM's Conservation and Land Tenure Strategy for the Sandy River Watershed and Mt. Hood Corridor. The BLM's strategy focuses on securing Land and Water Conservation Funds (LWCF) for acquisition of key non-federal properties with high resource values particularly lands that contain or have the potential to restore river frontage, wetlands or side-streams, fisheries habitat, to provide significant public access, and to provide protection of scenic values.

Minsinger Bench is a recently acquired parcel (2002) that lies along the Sandy River. The benches above the river were previously used for hay production and intermittent grazing over the last 50 years. The purpose of the proposed project is to re-establish a more forested condition on the site, which will reduce the invasive species habitat and improve the habitat for native species.

A copy of the Minsinger Bench Environmental Assessment (EA #OR080-02-06) can be obtained from the Bureau of Land Management (BLM), Salem District Office, 1717 Fabry Road SE, Salem, OR, 97306. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

PUBLIC INVOLVEMENT

BLM land restoration actions have enthusiastic and vocal support from the local community. The BLM will utilize local volunteers to help with some of the restoration efforts.

Since there were no issues identified, Chapter 3 (Affected Environment) and Chapter 4 (Environmental Consequences) of the EA focused on seven relevant elements of the environment: recreation/visuals, socioeconomic, riparian/fisheries/water quality, vegetation, wildlife, minerals and cultural.

On October 2, 2002, a letter asking for comments, a location map and photo of the project area were mailed to over 100 individuals, groups, and agencies that were on the mailing list. Also, on October 2, 2002, a legal notice requesting public comment to the EA and FONSI appeared in the Sandy Post newspapers. As a result of the notices for public comment, two letters and four phone calls were received. All comments were in support of the project.

ALTERNATIVES CONSIDERED

The alternatives considered in detail included the required "no action" alternative, and the proposed action alternative which initiated the environmental analysis process. A description of the alternatives analyzed in detail is contained in the EA, pp 10-12.

DECISION

Considering public comment, the analysis contained in the EA, supporting project record, and the management direction contained in the Salem District Resource Management Plan (RMP), I have decided to implement Alternative 2, herein known as the “selected alternative”. The selected alternative is for the United States (BLM) to burn the grass/scotch broom/blackberry pasture land and use a winged ripper to break up the subsurface and surface compaction of the fields prior to planting. The fields will be planted as they are prepared and trees and shrubs are available. Two culverts will be removed. The project is expected to take place over a period of two to three years.

These BLM lands have been nominated as an Area of Critical Environmental Concern (ACEC) to be added to the existing Sandy River Gorge ACEC. To be officially designated as an ACEC, the BLM State Director must approve an amendment to the Salem District RMP. An ID team has already determined the importance and relevance and made the recommendation to designate lands along the Sandy as an ACEC. Interim management guidelines consistent with ACECs will be used until an amendment to the Salem District RMP is approved. At that time a management plan will be written. All lands to be acquired within the Sandy River Land Project area will be considered for ACEC status as they are acquired. As acquired lands, the parcels would not be open to mineral entry.

My rationale for this decision follows: This land along the Sandy River was acquired for the enhancement and restoration of natural resources, while protecting any sensitive fish, wildlife, plant, cultural resources, aesthetic and recreational values. This land needs to have the invasive plants controlled and reforested with native species. The two small streams that flow into the Sandy need to be restored to their pre-agricultural regimes.

I have determined that change to the Finding of No Significant Impact (FONSI – October 2002) for this project is not necessary because there are no significant new circumstances or facts relevant to environmental concerns and/or its impacts, which were not addressed in the EA.

RIGHT TO APPEAL

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 15 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named

Minsinger Bench Reforestation Decision Record OR-080-02-06

in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied,
- 2) The likelihood of the appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

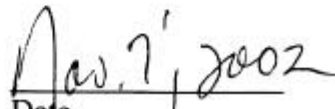
CONTACT PERSON

For more information concerning this decision, please contact Barbara Raible, Cascades Resource Area Salem BLM, 1717 Fabry Rd. SE, Salem, OR 97306, telephone 503.375.5687.

Approved by:



Brad Keller
Cascades Field Manager



Date